The provisions of The Municipalities (Extension To The Scheduled Areas) Bill, 2001

THE MINISTER OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI JAGMOHAN): Sir, I beg to move for leave to introduce a Bill to provide for the extension of the provisions of Part IXA of the Constitution relating to the Municipalities to the Scheduled Areas.

The question was proposed.

SHRI PRANAB MUKHERJEE (West Bengal) : Mr. Chairman, Sir, I have given a notice under rule 67, raising objection to the introduction of this Bill. Sir, I am not going into the legislative competence of this House because, on umpteen occasions, the Chairman and the Deputy Chairman have given a ruling that neither they will give a judgment about the legislative competence of a Bill, nor will they consider whether a Bill is *intra vires* or *ultra vires*. Sir, even the latest ruling given by the Chairman in 1986 corroborates the stand taken, for the first time, in 1953. Therefore, I am not questioning the legislative competence of the Bill. But the Bill, which the hon. Minister is going to introduce, has very far-reaching implications. I would like to seek from the hon. Minister some clarifications in regard to some doubts which have cropped up in my mind, and, after getting the clarifications from the Minister, the mover of this Bill, it will be for you and the House to decide about it. The purpose of the Bill, as has been stated in clause 3 of the Bill is : "The provisions of Part IXA of the Constitution relating to the Municipalities are hereby extended to the Scheduled Areas." And "the Scheduled Areas" mean, the Scheduled Areas as defined in clause 1 of article 244 of the Constitution. All of us are aware that Part IXA was inserted in the Constitution by the 74th amendment. All of us are fully aware that Article 243 ZC, clause 1, provides that these provisions will not be applicable to the Scheduled Areas as defined in Schedules (V) and (VI) of the Constitution. When the Constitution was introduced on 26th January, 1950, Presidential Orders for the administration of the Scheduled Areas, as amended from time to time by the President of the Republic, were issued. These orders were issued along with the introduction of the Constitution itself and these have been amended from time to time. The whole purpose was to protect the cultural, ethnic and linguistic identity of the tribals residing in the Scheduled Areas. Therefore, it was thought necessary that to ensure, to protect the cultural, ethnic and otherwise distinct identity, the institutions, administrative mechanism prevalent in other areas, need not necessarily be automatically extended to those areas. That

was the concept. Keeping that concept in view, in clause 1, article 243 ZC, the proviso was made. Of course, I am fully aware that in the same article, in Clause 3, overriding power has been given to Parliament to bring forth a legislation, if Parliament considers it necessary. My question to the hon. Minister is : What is the compulsive factor for bringing in this piece of legislation? Has the Government considered whether the introduction of institutions like municipalities in the urbanised areas or in the urban conglomerations, which may be created as a result of the development projects in the Scheduled Areas, will not be in conflict with the traditional institutions which the tribal people or the persons living in the Scheduled Areas are having? You have provided certain safeguards in the Bill. It is fine. But my question is, whether these issues are going to be a cause of further irritation in the tribal areas. We have already seen, through an inadvertent action, how certain parts of the country were flared up and, ultimately, the Government had to reconcile with that situation by reviewing its decision.

Before touching the law now, have you considered all aspects, the implications of extension of all the institutions with which we are accustomed? Municipalities have been created long ago in this country. We have been accustomed with the local self-Government for almost one hundred years, but that was not introduced in the tribal areas. They have their own institutions. Those institutions have served them much better. Therefore, is it absolutely necessary to have these institutions introduced there?

You have stated in part 2 of the Statement of Objects and Reasons "It is considered necessary to make use of the above provisions for the benefit of the Scheduled areas referred to in Clause 1 in Article 244 of the Constitution." In what way is it going to be beneficial?

You have suggested that a Committee of Experts and select Members of Parliament was constituted and on the basis of their advice, you are bringing forward this Bill. What is the Composition of that Committee? Who were the select MPs who were in that Committee? Who were the experts? I would also like to know whether you have considered the sentiments of the people living in the Scheduled areas. Have the State Governments been consulted? Have you obtained their concurrence? And the most important thing is the Government is expected to act in unison and in an integrated manner for identical provisions or for sister provisions. For the extension of the Panchayati Raj system, which was introduced

through the 74th and 75th Amendments, a Bill was passed in the year 1996. Today it is 2001. The Parliament gave its approval for the extension of the Panchayati Raj system to some of the Scheduled Areas. The Bill is yet to be operationalised because of the resistance coming from certain areas.

As the Urban Development Minister, you are introducing this Bill relating to the Scheduled Areas, as defined under clause 1, article 244, by taking the authority given to you under clause 3 of article 243ZC of the Constitution. Yes, you have the legislative competence. I have no quarrel on that. But what I am trying to say is this: Please explain to the Members of this House the compulsive reason for bringing this piece of legislation at this particular hour when we have seen in some parts of the tribal-inhabited areas increasing tension, which, fortunately, has been defused. So, let us not try to create additional problems. Somebody may try to twist it or misinterpret it. My suggestion is, you should not provide any cause for agitation, which may ignite a fire where there is no fire.

Thank you for giving me this opportunity.

SHRI JAGMOHAN: Sir, this Bill is based on the recommendation of the Committee of Experts and select Members of Parliament. As the hon. Member wanted to know the composition of the Committee, I would like to indicate that. This Committee was headed by Mr. Dileep Singh Bhuria, who is a well-known tribal expert and is a notable person in this field. Other Members of this Committee were: Shri K. Pradhani, Shri H. Kamson, Shri Bandi Oraon, Dr. Bhupinder Singh, Dr. B.D. Sharma, Shri B.A. Agarwal, Shri R.M. Kapoor, Dr. Dinesh Mehta, Shri P.K. Ghosh and Shri M.S. Srinivasan.

This Committee made recommendations and safeguards that are required in this. All the concerned State Governments were also consulted. They have, by and large, agreed with the provision, we have made in the Bill.

In these areas, there are a number of urban centres which require to act as growth centres. These are areas where investment should come for the upgradation of civil life, and this will help in the economic development of the entire region. That is the rationale of the Bill. On the question whether the Bill is fully justified or not, when we take up the Bill for consideration, we will explain all the details.

MR. CHAIRMAN: These aspects may be looked into by the concerned Parliamentary Standing Committee.

SHRI PRANAB MUKHERJEE: Sir, you can refer the Bill to the Department-related Standing Committee. You have that power. After the House grants him leave to introduce the Bill, you can refer the Bill to the Committee automatically.

SHRI JAGMOHAN: I have absolutely no objection if the Bill is referred to the Parliamentary Standing Committee for further detailed examination.

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill to provide for the extension of the provisions of Part IXA of the Constitution relating to the Municipalities to the Scheduled Areas."

The motion was adopted.

SHRI JAGMOHAN: Sir, I introduce the Bill.

SPECIAL MENTIONS

MR. CHAIRMAN: Mr. Suryabhan Patil Vahadane. Not here. Mr. Suresh Pachouri.

Heavy losses due to rain and floods in Chhattisgarh

श्री सुरेश पचौरी (मध्य प्रदेश) : सभापति महोदय, भारत के अनेक भागों में भारी वर्षा की वजह से भारी बाढ़ की स्थिति निर्मित हुई है जिससे वहां जन-जीवन एवं फसलें अत्यन्त प्रभावित हुई हैं। हाल ही में बाढ़ की भारी चपेट में उड़ीसा, छत्तीसगढ़, केरल आदि राज्य आये हैं। नार्थ-ईस्ट के भी कई राज्यों में बाढ़ की स्थिति भयावह है।

छत्तीसगढ़ राज्य में इस वर्ष मानसून समय से पूर्व आने से तथा भारी वर्षा से छत्तीसगढ़ के कुछ भागों में जैसे धमतरी व कांकेर जिलों में जलाशयों में जलस्तर खतरे के निशान को पार कर गया फलस्वरूप भारी जान-माल की क्षति हुई। भारी वर्षा के कारण छत्तीसगढ़ के 6 जिलों की 23 तहसीलों में जबरदस्त विनाश हुआ तथा इस कारण प्रदेश को लगभग 102 करोड़ रुपये से अधिक का नुकसान हुआ है। बाढ़ के कारण 12 नागरिकों की मृत्यु की सूचना है और 68,159 हेक्टेयर क्षेत्र की खरीफ की धान की फसल नष्ट हो गई है जिससे लगभग 150 करोड़ की क्षति का अनुमान है। इस विनाश में लगभग 4 हजार से अधिक मकान ढह गये हैं और पशुधन का भी भारी नुकसान हुआ है। बाढ़ की वजह से सड़कों, पुलों, सरकारी व गैर-सरकारी भवनों, नहरों, कुओं, बिजली आपूर्ति के साधनों का भी भारी नुकसान हुआ है जो अनुमानत: 50 करोड़ के आसपास है।